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मध्यप्रदेश राजपत्र

(असाधारण)
प्राधिकार से प्रकाशित

क्रमांक 117]

भोपाल, शुक्रवार, दिनांक 26 फरवरी 2021—फाल्गुन 7, शक 1942

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 फरवरी 2021

क्र. 3088-110-इक्कीस-अ(प्रा.).—भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में मध्यप्रदेश नगरपालिक विधि (तृतीय संशोधन) विधेयक, 2021 (क्रमांक 3 सन् 2021) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,

आर. पी. गुप्ता, अवर सचिव.

MADHYA PRADESH BILL
NO. 3 OF 2021

THE MADHYA PRADESH NAGARPALIK VIDHI (TRITIYA SANSHODHAN)
VIDHEYAK, 2021

A Bill further to amend the Madhya Pradesh Municipal Corporation Act, 1956 and the Madhya Pradesh Municipalities Act, 1961.

Be it enacted by the Madhya Pradesh Legislature in the seventy-second year of the Republic of India as follows :—

Short title.

1. This Act may be called the Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Adhiniyam, 2021.

PART I

AMENDMENT TO THE MADHYA PRADESH MUNICIPAL CORPORATION ACT, 1956
(NO. 23 OF 1956)

**Amendment to
the Madhya
Pradesh Act No.
23 of 1956.**

2. In the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956),—

(1) In section 9,—

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) a Mayor, that is Chairperson elected by direct election from the municipal area;"

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) If any municipal area fails to elect a Mayor or any ward fails to elect a Councillor, fresh election proceedings shall be commenced for such municipal area or ward, as the case may be, within six months to fill up the seat and until the seat is filled up it shall be treated as casual vacancy:

Provided that proceedings of election of Speaker or any of the Committee under the Act shall not be stayed, pending the election of such seat."

(2) In section 10, in sub-section (4), in the first proviso, for the words "two months", the words "six months" shall be substituted.

(3) In section 14,—

(a) in sub-section (1), after the word "Councillors", the words "and Mayors" shall be inserted;

(b) in sub-section (2), after the word "Councillors", the words "and Mayors" shall be inserted.

(4) In section 14-A, in sub-section (1), for the word "Councillor", the words "Mayor or Councillor" shall be substituted.

(5) In section 14-B, for the word "Councillor", the words "Mayor or Councillor" shall be substituted.

(6) In section 14-C, after the word "Councillor", the words "or a Mayor" shall be inserted.

(7) In section 15,—

(a) after the word "Councillors", the words "or Mayor" shall be added;

(b) for the proviso, the following proviso shall be substituted, namely:-

"Provided that no person shall vote more than once in any election of the Councillors or an election of the Mayor, as the case may be."

(8) In section 16, after sub-section (3), the following sub-section shall be added, namely:—

"(4) If a person is elected for the Office of Mayor and Councillor both, he shall have to resign from one of the offices within seven days from the date on which he is declared elected."

(9) In section 17,—

(a) in the marginal heading, after the word "Councillor", the words "or Mayor" shall be added.

(b) in sub-section (1),—

(i) in the opening paragraph, after the word, "Councillor", the words "or Mayor" shall be inserted;

(ii) in clause (bb), after the word "Councillor", the words "or Mayor" shall be inserted.

(c) in sub-section (2),—

(i) in the marginal heading, after the word "Councillor", the words "or Mayor" shall be added;

(ii) in the opening paragraph, after the word "Councillor", the words "or Mayor" shall be inserted;

(iii) in clause (e), after the word "Councillor", the words "or Mayor" shall be inserted.

(d) in sub-section (3), for the word "Councillor" wherever it occurs, the words "Councillor or Mayor" shall be substituted.

(10) In section 17-B,—

(a) in the marginal heading, for the words "the Councillor", the words "the Mayor and the Councillor" shall be substituted;

(b) in sub-section (1), in the opening paragraph, for the words "Every Councillor", the words "Mayor and every Councillor" shall be substituted;

(c) in sub-section (2),—

(i) in the opening paragraph, for the word "Councillor" wherever it occurs, the words "Mayor or Councillor" shall be substituted;

- (ii) in the proviso, for the word "Councillor", the words "Mayor or Councillor" shall be substituted.

(11) In section 18,—

- (a) for the marginal heading, the following marginal heading shall be substituted, namely:—

"Election of Speaker";

- (b) in sub-section (1), the words "and Mayor" shall be omitted.

(12) In section 20, in the Explanation, the words "and the Mayor" shall be omitted.

(13) In section 23-A,—

- (a) in the marginal heading and in sub-section (1), the words "or Mayor" wherever they occur shall be omitted;
- (b) in clause (ii) of sub-section (2), for the words "Speaker, Mayor", the word "Mayor" shall be substituted.

(14) After section 23-A, the following section shall be, inserted, namely:—

**Recalling of
Mayor.**

"24. (1) Every Mayor of a Corporation shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of voters of the corporation area casting the vote in accordance with the procedure as may be prescribed:

Provided that no such process of recall shall be initiated unless a proposal is signed by not less than three-fourth of the total number of the elected Councillors and presented to the Divisional Commissioner:

Provided further that no such process shall be initiated,—

- (i) within a period of two years from the date on which such Mayor is elected and enters his office; and
- (ii) in case Mayor is elected in a by-election, half of the period of tenure has been expired:

Provided also that process for recall of the Mayor shall be initiated once in his whole term.

- (2) The Divisional Commissioner, after satisfying himself and verifying that the three-fourth of the Councillors specified in sub-section (1) have signed the proposal of recall, shall send the proposal to the State Government and the State Government shall make a reference to the State Election Commission.
- (3) On receipt of the reference, the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed."

(15) In section 441, in sub-section (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

- "(iii) in the case of election of Mayor, by any voter of the Municipal area."

PART II
AMENDMENT TO THE MADHYA PRADESH MUNICIPALITIES ACT, 1961
(NO. 37 OF 1961)

3. In the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961),—

(1) In section 19,—

**Amendment to
the Madhya
Pradesh Act No.
37 of 1961.**

(a) in sub-section (1), for clause (a), the following clause shall be substituted, namely:—

"(a) President, that is Chairperson, elected by the direct election from the municipal area;"

(b) for sub-section (4), the following sub-section shall be substituted, namely:—

"(4) If any municipal area fails to elect a President or any Ward fails to elect a Councillor, fresh election proceedings shall be commenced for such municipal area or Ward, as the case may be, within six months to fill up the seat, and until the seat is filled up, it shall be treated as casual vacancy:

Provided that proceedings of election of Vice-President, or any of the Committees under the Act shall not be stayed, pending the election of such seat."

(2) In section 20, in sub-section (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely:—

"(iii) in the case of election of President by any voter of the Municipal area;"

(3) In section 29, in sub-section (4), in the first proviso, for the words "two months", the words "six months" shall be substituted.

(4) In section 32,—

(a) in sub-section (1), for the word "Councillors", the words "Presidents and Councillors" shall be substituted;

(b) in sub-section (2), for the word "Councillors", the words "Presidents and Councillors" shall be substituted.

(5) In section 32-A, in sub-section (1), for the word "Councillor" wherever it occurs, the words "President and Councillor" shall be substituted.

(6) In section 32-B, for the word "Councillor", the words "President and Councillor" shall be substituted.

(7) In section 32-C, for the word "Councillor", the words "Councillor or President" shall be substituted.

(8) In section 33,—

(a) in the opening paragraph, after the word "Councillors", the words "or President" shall be added;

(b) for the existing proviso, the following proviso shall be substituted, namely:—

"Provided that no person shall vote more than once in any election of the Councillor or the President, as the case may be."

(9) In Section 35, before the words "election or nomination as a Councillor", the words "election as a President or" shall be inserted.

(10) In Section 43,—

(a) in the marginal heading, the words "the President and" shall be omitted;

(b) for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The President and the elected Councillors of the Council shall, at its first meeting as referred to in sub-section (1) of Section 55 elect a Vice-President from amongst the elected Councillors in the prescribed manner.";

(c) in sub-section (3), the words "the President and" shall be omitted.

(11) In Section 43-A,—

(a) in the marginal heading and in sub-section (1), the words "the President or" wherever they occur, shall be omitted;

(b) in clause (ii) of sub-section (2), for the words "President, Vice-President", the word "Vice-President" shall be substituted.

(12) After Section 46, the following Section shall be, inserted, namely:—

**Recalling of
President.**

"47.(1) Every President of a Council shall forthwith be deemed to have vacated his office if he is recalled through a secret ballot by a majority of more than half of the total number of voters of the municipality area casting the vote in accordance with the procedure as may be prescribed:

Provided that no such process of recall shall be initiated unless a proposal is signed by not less than three-fourth of the total number of the elected Councillors and presented to the Collector:

Provided further that no such process shall be initiated,—

(i) within a period of two years from the date on which such president is elected and enters his office; and

(ii) in case President is elected in a by-election, half of the period of tenure has been expired:

Provided also that process for recall of the President shall be initiated once in his whole term.

(2) The Collector, after satisfying himself and verifying that the three fourth of the Councillors specified in sub-section (1) have the proposal of recall, shall send the proposal to the State Government and the State Government shall make a reference to the State Election Commission.

- (3) On receipt of the reference, the State Election Commission shall arrange for voting on the proposal of recall in such manner as may be prescribed."

(13) For Section 55, the following Section shall be substituted, namely:—

"55.(1) The Chief Municipal Officer shall, with the approval of the prescribed authority, within fifteen days of every general election, call a meeting of the elected Councillors for the purpose of electing Vice-President. First meeting after general election.

(2) The first meeting of the Council called under sub-section (1) shall be presided over by such officer not below the rank of Deputy Collector in the case of Municipal Council and not below the rank of Tehsildar in the case of Nagar Parishad, appointed by the Collector and all provisions contained in this Chapter regarding meetings of the Council shall, as far as may be, apply in respect of such meeting:

Provided that the presiding officer shall not have right to vote at such meeting and in case of equality of votes, the result shall be decided by lot."

- (14) In Section 56, after the figure, sign, letter and comma "43-A," the figure and comma "47," shall be inserted.
- (15) In Section 62, in sub-section (3), in the proviso to clause (iii), after the figure, sign and letter "43-A" the word, figure and comma "or 47," shall be inserted.
- (16) In Section 63, in the proviso, before the words "the Chairman", the words "Vice-President or", shall be inserted.
- (17) In Section 328, in sub-section (1), in clause (b), the words "President and" wherever they occur shall be omitted.

4.(1) The Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Adhyadesh, 2020 (No.13 of 2020) is hereby repealed. Repeal and saving.

(2) Notwithstanding the repeal of the said Ordinance, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provision of this Act.

STATEMENT OF OBJECTS AND REASONS

In order to make a provision of direct elections of the Mayor of the Municipal Corporation and the President of the Municipal Council it is proposed that they shall be elected by the voters of the area concerned. If the Mayor/President of the urban bodies are directly elected by the citizens of the urban body area, they shall have the choice to choose the public representative of their own choice. The elected public representative shall be directly accountable to the citizens for the development of their area.

2. It is also observed by the State Election Commission that the period of two months time for inclusion or exclusion of area or reformation of ward is not sufficient, therefore, it is proposed to enhance the said period for six months in place of two months, as three months time is only needed for revision of voters' list.

3. At Present the provision for summoning the first meeting of the Council to appoint the authority by the State Election Commission is not easy and practical. Therefore, it is proposed that the Collector shall be authorised to call upon and preside over the first meeting of the Council after the elections.

4. As the matter was urgent and the Legislative Assembly was not in session, the Madhya Pradesh Nagarpalik Vidhi (Tritiya Sanshodhan) Adhyadesh, 2020 (No. 13 of 2020) was promulgated for the purpose. It is now proposed to replace the said Ordinance by an Act of the State Legislature without any modification.

5. Hence this Bill.

BHOPAL :

Dated, the 12th February, 2021

BHUPENDRA SINGH

Member-in-Charge.